



**TOWN OF SAUGUS**  
**HUMAN RESOURCES**  
298 CENTRAL STREET  
SAUGUS, MASSACHUSETTS 01906  
*Telephone: (781) 231-4126 · Fax: (781) 231-5666*

**PREVENTION AND ELIMINATION OF SEXUAL HARASSMENT IN THE WORKPLACE**

**Introduction**

It is the goal of the Town to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings related to their employment is unlawful and will not be tolerated by the Town. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint, is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

**Definition of Sexual Harassment**

In Massachusetts, "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- \* submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- \* such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- \* Unwelcome sexual advances -- whether they involve physical touching or not;
- \* Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding an individual's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- \* Inquiries into an individual's sexual experiences; and discussion of an individual's sexual activities.

The complainant, regardless of gender, may be a witness to and personally offended by such conduct. The harasser may be anyone including a supervisor, a co-worker, or a non-employee such as a recipient of public services or a vendor.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town.

### **Complaints of Sexual Harassment**

If any employee believes that he/she has been subjected to sexual harassment, the employee has the right to file a complaint. This may be done in writing or orally. Employees may file a complaint by contacting the Personnel Administrator. The Personnel Administrator is also available to discuss any concerns and to provide information about the Town's policy on sexual harassment and the Town's complaint process.

### **Sexual Harassment Investigation**

When the Town receives a complaint, it will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses. The investigator will also interview the person alleged to have committed sexual harassment. When the investigation is completed, the Town will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where it is appropriate will impose disciplinary action.

### **Disciplinary Action**

If it is determined that an employee has engaged in inappropriate conduct, the Town will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action deemed appropriate under the circumstances.

## **State and Federal Remedies**

In addition to the above, employees who believe they have been subjected to sexual harassment may file a formal complaint with either or both of the government agencies set forth below. Using the complaint process does not prohibit employees from filing a complaint with these agencies.

Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

1. The United States Equal Employment Opportunity Commission ("EEOC")  
One Congress Street, 10th Floor, Boston, MA 02114, (617) 565-3200.
2. The Massachusetts Commission Against Discrimination ("MCAD") Boston Office    One Ashburton Place, Rm. 601, Boston, MA 02108, (617) 994-6000.

All complaints of sexual harassment (written or oral) will be promptly investigated in a fair and expeditious manner, even in cases where the employee asks that the complaint not be investigated. The Town will conduct the investigation in such a way as to maintain the privacy of those involved to the extent practicable under the circumstances. The Town will inform complainants that they have a legal duty to investigate allegations of sexual harassment, and that, while the matter will be kept as confidential as possible, it may not be possible to withhold the complainant's identity from the alleged harasser. Investigations will include a private interview with the complainant and with any witnesses. In addition, the investigation may include a review of any documents, journals, recordings, voicemails, emails or other items that may be relevant to the allegations of harassment.

The Town will also interview the person alleged to have committed sexual harassment. In all interviews, parties will be given a copy of the Town's policy and an opportunity to discuss the complaint procedure. The Town will document all interviews.

Upon the conclusion of the investigation, the Town will make a determination notify both the complainant and the person alleged to have committed the harassment, of the results of the investigation.